

IN THE DRAWINGS

Please delete originally filed sheets numbered 5/8, 6/8, and 7/8 and replace them with attached Replacement Sheets numbered 5/8, 6/8, and 7/8.

Attachments: Replacement Sheets 5/8, 6/8, 7/8.

REMARKS/ARGUMENTS

The present Amendment After Final is responsive to the Final Official Action mailed on November 18, 2009, and is accompanied by a petition for a one-month extension of time, resetting the deadline for a response to and including March 18, 2010. In view of the amendments and remarks made herein, reconsideration of the Examiner's rejections and Notice of Allowance of all pending claims are respectfully requested.

This Amendment is enterable after the Final Official Action because it places the application in better condition for appeal and raises no new issues that would require further consideration or a new search. At the time of the Final Official Action, claims 1, 10, 12-17, and 19-21 were pending in the present application. Of such claims, claims 1, 20, and 21 are independent, with claims 10 and 12-17 each depending ultimately from claim 1. Claims 2-9, 11, 18, and 22 have previously been cancelled. Claims 1, 13, 17, and 21 have been amended. No new matter has been introduced by way of the amendments.

Rejections Under 35 U.S.C. § 112, second paragraph

In the Final Official Action, the Examiner rejected claims 12-17 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, the Examiner asserted that it is unclear how the ball return can be in the shaft as recited in claim 1, and also in the ball nut, as recited in claims 12, 15, and 16, each of which depends from claim 1. The Examiner also rejected claims 13 and 17 under 35 U.S.C. § 112, for lack of antecedent basis of several claim terms.

Regarding the Examiner's rejections of claims 12, 14, 15, and 16, claim 1 has been amended to recite that the ball

return portion is arranged on at least one of the displaceable shaft and the rotating member. The ball return recited in the dependent claims is a system which includes, in part, the ball return portion recited in claim 1.

In the Examiner's rejections of claims 13 and 17, the Examiner asserted that the terms "to change track to the adjacent track" in claim 13, and the terms "the balls" and "the ball tracks of the ball nut" in claim 17 each lack sufficient antecedent basis. In order to ensure compliance with such claims have been amended to ensure compliance with 35 U.S.C. § 112, Applicants have amended each of these claims to clarify the antecedent basis of the terms which are the subjects of the Examiner's rejections. Applicants respectfully submit that, by virtue of the present amendments, the Examiner's rejections under 35 U.S.C. § 112 are overcome.

Objections to the Drawings

Further in the Final Official Action, the Examiner objected to the drawings under 37 C.F.R. §§ 1.84(l) and (m), and required corrected drawing sheets in compliance with 37 C.F.R. § 1.121(d). Specifically, the Examiner asserted that Figs. 6-10 include lines which are not uniformly thick and which contain solid black shading, rendering the drawings unacceptable. In order to ensure compliance with 37 C.F.R. § 1.121(d), Replacement Sheets have been submitted herewith which obviate the objections to Figures 6-10. No new matter has been introduced by way of the Replacement Sheets.

Rejection Under 35 U.S.C. § 102(b)

Still further in the Final Official Action, the Examiner rejected claims 1, 13, 17, 20 under 35 U.S.C. § 102(b) as being anticipated by U.S. Pat. No. 7,121,379 to Perni et al ("Perni"). However, Applicants respectfully submit that Perni is not prior art with respect to the present application, and is therefore ineligible to be considered as prior art in examining

the present application. In this regard, Applicants extend their gratitude to the Examiner for conducting an informal telephone discussion with Applicants' attorney, Dustin J. Friedland (Reg. No. 64,815) on February 2, 2010, regarding the respective priority dates of Perni and the present application. The Examiner has acknowledged that the effective date of Perni as a prior art reference is its U.S. filing date, March 9, 2005, which is subsequent to the PCT filing date of the present application, March 31, 2004. Therefore, Perni is not prior art to the present application, rendering the Examiner's rejection under 35 U.S.C. § 102(b) moot.

Rejections Under 35 U.S.C. § 103(a)

Even further in the Final Official Action, the Examiner rejected claims 1, 13, 17, 20, and 21 under 35 U.S.C. § 103(a) as being obvious over U.S. Pat. No. 6,244,374 to Tomita, *et al.* ("Tomita") in view of Perni. The Examiner also rejected claim 10 under 35 U.S.C. § 103(a) as being obvious over Tomita in view of Perni and further in view of U.S. Pat. No. 6,376,958 to Koharagi, *et al.* ("Koharagi"). Additionally, the Examiner rejected claims 12 and 14-16 under 35 U.S.C. § 103(a) as being obvious over Tomita in view of Perni and further in view of U.S. Pat. No. 7,350,434 to Nishimura ("Nishimura"). Furthermore, the Examiner rejected claim 19 under 35 U.S.C. § 103(a) as being obvious over Tomita in view of Perni and further in view of U.S. Pat. No. 6,026,924 to Godek ("Godek").

Regarding each of the Examiner's rejections under 35 U.S.C. § 103(a), the Examiner has acknowledged in the Final Official Action that Tomita, Koharagi, Nishimura, and Godek do not, alone or in combination, disclose all of the features of any of the present claims. Thus, removal of Perni as a cited reference renders each of the Examiner's rejections under 35 U.S.C. § 103(a) moot. Accordingly, the present claims are considered allowable over the art.

Moreover, since none of the Examiner's substantive rejections are supported by the applicable cited art, Applicants respectfully request that the present Final Official Action be withdrawn, or, in the alternative, that the finality thereof be withdrawn.

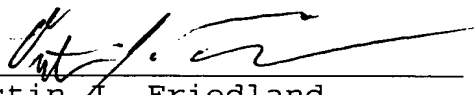
In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone Applicants' attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: March 18. 2010

Respectfully submitted,

By 
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